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5.28.010 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Driver" means any person in charge of or operating a taxicab or motor vehicle for hire, either as an owner or employee or under the direction of the owner or another employee. "Driver" shall not include the hirer of a U-drive type vehicle.

"Motor vehicle for hire" means a motor-propelled vehicle, other than a taxicab, used for the transportation of persons along public streets, not over definite routes at fixed times, for which transportation a money fee is paid or is contracted to be paid, whether or not a driver is furnished with such vehicle and shall include the rental of U-drive vehicles and vehicles used only for the transportation of passengers and parcels from and to public carrier stations.

"Owner" means every person who in any manner has the proprietary use, ownership or control of any passenger-carrying motor-propelled vehicle.

"Stand" means a place upon a public street for the use of the particular taxicabs authorized to utilize such stand while awaiting employment.

"Taxicab" means a motor-propelled vehicle used for the transportation of passengers for hire over and along public streets not over a defined route but, as to route and destination, in accordance with and under the direction of the person hiring such vehicle and which is required by the provisions of this chapter, with a visible schedule of rates for the use of such taxicab.

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(Prior code § 4-4.01)

5.28.020 Certificates of public convenience and necessity.

- A. Required. No license to operate vehicles for hire shall be issued unless and until the council, by resolution, declares that the public convenience and necessity will be served by the issuance of the license applied for and authorizes the issuance of a certificate of public convenience and necessity. Such certificates of public convenience and necessity shall be subject to the terms and conditions set forth in this section.
- B. Applications. It is unlawful for any person to engage in the business of operating or causing to be operated, a taxicab or motor vehicle for hire in the city without first making an application to the council. Such application insofar as is applicable to the type of certificate sought to be obtained, shall set forth the following:
1. The name, residence and business address of the applicant, if a natural person or, if a firm, association or partnership, the name and address of such firm, association or partnership and the names and addresses of all members. If the application is made on behalf of a corporation, the name and address of such corporation and the names and residences of the officers and local manager, if any and the names and addresses of any person owning more than twenty (20) percent of the voting stock of the corporation;
 2. The nature of the business and the fictitious name, if any, under which the business is proposed to be operated;
 3. The number of vehicles for which a certificate of public convenience and necessity is desired and the specific type of business in which such vehicles are proposed to be used;
 4. The make, type, year of manufacture and passenger accommodating capacity for each vehicle for which an application for a certificate is made, assigning a specific number to each such vehicle;
 5. A statement as to whether or not the applicant or any officer of the applicant, has been convicted of any crime, misdemeanor or felony or any violation of any municipal law or state law other than minor traffic and parking offenses, the nature of the offense and the punishment or penalty assessed therefor;
 6. The exact location of any taxicab stand which the applicant requests permission to use;
 7. The schedule of rates or fares to be charged; and
 8. Such other information as the council may require for the proper police protection of the city.
- C. Issuance. If the council, after reviewing the application by resolution finds that the public convenience and necessity require or will admit the additional service of the type applied for a certificate to that effect shall be issued to the persons entitled to the certificate upon all the provisions of this chapter having been met. The council, in its discretion, shall determine the total number of vehicles which may be licensed and operated under such certificate and the date of the issuance thereof.
- No certificate authorized pursuant to the provisions of this chapter shall be issued to any person who shall not have fully complied with all of the provisions of this chapter.
- D. Revocation, Suspension and Changes. The council at any time may revoke, suspend or change, after proper notice and an opportunity of hearing given to the holder thereof, the certificate of public convenience and necessity granted if the owner or a driver fails to operate a vehicle authorized by the provisions of this chapter in accordance with such provisions or if the council determines such revocation, suspension or change to be in the public interest. All certificates suspended or revoked

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by the council shall be surrendered to the city clerk and the operation of all taxicabs or motor vehicles for hire covered by such certificates shall cease.

- E. Sales and Transfers. If an owner to whom a certificate of public convenience and necessity has been issued desires to sell or transfer his or her business, the intended buyer or transferee shall make an application for a certificate of public convenience and necessity as required by the provisions of this chapter. Such application shall be accompanied by a statement of the seller of his or her intention to surrender and cancel the certificate and licenses held by such seller conditionally upon and concurrently with, the consummation of such sale and the issuance of a replacement certificate and license in the name of the buyer. If a buyer/applicant or transferee/applicant for a certificate of public convenience and necessity meets all of the provisions set forth in this chapter for the issuance of the type of certificate sought, the council shall issue a new certificate to the applicant and concurrently therewith shall cancel the certificate of the seller.
- F. Sales, Leases and Transfers without Approval. If the owner or person to whom a certificate of public convenience and necessity, license or permit has been issued pursuant to the provisions of this chapter sells, leases, rents or transfers or attempts to sell, lease, rent or transfer, any such certificate, license or permit in any manner other than as set forth in this chapter, such seller, lessor, renter or transferor and any person knowingly attempting to receive such certificate, license or permit or benefit in any such actual or attempted sale, lease, rental or transfer shall be deemed guilty of a misdemeanor and shall be subject to the revocation and cancellation of the certificate, license or permit involved.

(Prior code § 4-4.02)

5.28.030 Licenses—Issuance—Fees.

Upon the issuance of a certificate of public convenience and necessity by the council to an applicant, the city clerk shall cause a license to be issued for each taxicab or motor vehicle for hire authorized by such certificate upon the payment of the license fee required by this section. A minimum license fee of twenty-five dollars (\$25.00) per year for each vehicle authorized in such certificate is levied. Such amount may be changed from time to time by the council by resolution. The license fee shall be payable annually on July 1st of each year and shall not be subject to apportionment.

(Prior code § 4-4.03)

5.28.040 Drivers' permits.

- A. Required. No person shall operate or drive a taxicab without first having obtained a written permit or license to do so from the chief of police.
- B. Applications. To secure a driver's permit as required by the provisions of this chapter, a written application setting forth complete information on the applicant with respect to those matters dealt with in this chapter and such other information as the chief of police may desire shall be filed with the chief of police.
- C. Denial—Revocation. The chief of police may refuse to issue a driver's permit and may revoke a permit already granted for any of the following reasons:
 - 1. If the applicant is under eighteen (18) years of age;
 - 2. If the applicant does not possess a valid Class 3 driver's license issued by the state;
 - 3. If the applicant has been convicted of reckless driving or a crime involving moral turpitude or has had repeated traffic violations;

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4. If the applicant has been convicted of driving while under the influence of intoxicating liquors or narcotics;
 5. If the applicant violates any of the provisions of this chapter; and
 6. If the applicant is unable to produce at any time a certificate from a duly licensed physician stating that the driver's physical condition is such that, in the opinion of such physician, the possibility of such driver being involved in an accident by reason of his or her physical condition is negligible; that is, that there is no reason to believe that such driver is more susceptible to accidents by reason of any physical disability or condition, injury, sickness or disease than such driver would be were he or she in perfect physical condition.
- D. Issuance—Fingerprints. If an applicant for a driver's permit meets all of the requirements set forth in this chapter, expressed or implied, such applicant shall be fingerprinted and the fingerprints and records shall be filed in the office of the police department. Thereupon, a permit shall be issued.
- E. Change of Employment. If a driver changes his or her employment to employment by a different owner, within twenty-four (24) hours after such change in employment, he or she shall notify the chief of police for the purpose of having his or her driver's permit changed so as to properly designate the name of the new employer.
- F. Renewal. A driver's permit issued pursuant to the provisions of this chapter shall be valid for one year after the date of issuance, unless the permit has been revoked for any of the causes set forth in this chapter. The driver, in making an application for a permit renewal, shall follow the same procedure set forth for making an original application, except that such applicant shall not be required to be fingerprinted.
- G. Posting. Any applicant receiving a driver's permit pursuant to the provisions of this chapter shall display such permit in the front portion of the operating vehicle in a place in plain view to all occupants and inspectors and such permit shall be displayed at all times when the vehicle is in operation.

(Amended during 2004 codification; prior code § 4-4.04)

5.28.050 Insurance.

It is unlawful for any owner or operator to drive or operate a taxicab or rent a motor vehicle for hire or cause a taxicab or motor vehicle for hire to be driven or operated in the city and no license for the operation thereof shall be granted, until there is on file with the city clerk and in full force and effect at all times during which such vehicle is being operated, a policy of insurance, approved as to form by the city attorney, with a solvent and responsible company authorized to do business in the state, insuring the owner and operator of such vehicle and the city, as co-insured to the extent of any insurable interest, obligations or risk to the city, against loss by reason of injuries or damages which may result to persons or property from the faulty or negligent operation or defective construction or condition of such vehicle or from any other cause whatsoever. Each vehicle shall be designated by number and state license number. Such insurance shall be with limits of not less than one hundred thousand dollars (\$100,000.00) for injuries to one person and not less than three hundred thousand dollars (\$300,000.00) for injuries to more than one person and not less than fifty thousand dollars (\$50,000.00) for damages to property. Such insurance amounts may be adjusted from time to time by the council by resolution. No such insurance policy shall be cancelable, except upon thirty (30) days' advance written notice to the city.

(Prior code § 4-4.05)

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5.28.060 Vehicles—Maintenance and inspections.

- A. **Safety and Sanitation Required.** All taxicabs and motor vehicles for hire shall be under the supervision and control of the council and no owner or driver shall operate or permit any such vehicle to be operated in the city while any equipment used thereon shall be defective, unsafe or in an unsanitary condition.
- B. **Inspections.** Every such vehicle shall be subject to inspection at all times by any police officer of the city.
- C. **Noncompliance—Suspension of Licenses.** The council shall suspend without previous notice any taxicab or motor vehicle for hire license granted pursuant to the provisions of this chapter whenever the owner or driver violates any of the provisions of this section.
- D. **Noncompliance—Suspension of Licenses—Appeals.** The owner of the vehicle, the license of which has thus been suspended, within thirty (30) days after such suspension, may appeal from such order of suspension to the council which, after due notice to the owner, shall hear and determine the matter and the decision of the council thereon shall thereupon become final. The council, in such decision, may order a continued suspension of such license until such time as the vehicle shall be restored to a safe or sanitary condition.

(Prior code § 4-4.06)

5.28.070 Vehicles—Replacement.

If an owner sells or transfers the title to a taxicab or motor vehicle for hire for which a license has been issued or in the event a vehicle for which a license has been issued has been destroyed, the owner, as a matter of right, upon a written application to the city clerk made within forty-five (45) days after such sale, transfer or destruction, shall be entitled to have a new license issued for the taxicab or motor vehicle for hire replacing the one so sold, transferred or destroyed; provided, however, no license or certificate issued pursuant to the provisions of this chapter shall be transferable with vehicles sold or transferred. If a taxicab is withdrawn from service for a period of sixty (60) days without written permission from the council being first secured, the license for such taxicab shall be automatically cancelled and the number of taxicabs authorized by the certificate of the owner shall thereafter be reduced by one or more, as the case may be.

(Prior code § 4-4.07)

5.28.080 Vehicles—Identification.

Any vehicle operated pursuant to the provisions of this chapter shall be marked on the front doors of both sides of the vehicle with the name of the company and telephone number, if applicable, in clear print with letters not less than three inches in height.

(Prior code § 4-4.08)

5.28.090 Rate schedules.

- A. **Filing.** Each person engaging in a taxicab or motor vehicle for hire business in the city shall at all times keep on file with the city clerk an up-to-date schedule of rates charged for the services provided the public and no person shall demand or charge any rate for such services which does not conform to the schedule of rates currently on file.

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- B. Changes—Filing. Such rates shall not be changed or modified in any manner without first filing such changed or modified rates with the council fifteen (15) days prior to the effective date of such change or modification.
- C. Posting. All owners and operators of taxicabs shall keep posted in a conspicuous place in the passenger compartment of each vehicle operated the schedule of fares chargeable for the use of such vehicle. It is unlawful to change the schedule of fares so posted unless and until a new schedule of fares has been filed in accordance with the provisions of this chapter.

(Prior code § 4-4.09)

5.28.100 Fares.

- A. Payment. It is unlawful for any person, except where credit is extended, to refuse to pay the lawful fare fixed by the provisions of this chapter for the use of any taxicab or motor vehicle for hire after hiring such taxicab or motor vehicle.
- B. Receipts. If requested, every driver shall give a receipt upon the payment of the correct fare.
- C. Overcharging. No driver shall charge a passenger a greater fare than that to which he or she is entitled pursuant to the provisions of this chapter.

(Prior code § 4-4.10)

5.28.110 Service mandatory.

It is unlawful for any driver, when the vehicle is in service and not otherwise engaged, to refuse to transport any person who presents himself or herself or is presented for carriage, in a sober and orderly manner and for a lawful purpose.

(Prior code § 4-4.11)

5.28.120 Passengers.

- A. Receiving and Discharging. Drivers of taxicabs shall not receive or discharge passengers in the roadway but shall drive as near as possible to the right-hand sidewalk or, in the absence of a sidewalk, to the extreme right-hand side of the road and there receive or discharge passengers.
- B. Overloading. No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity of such vehicle. A child in arms shall not be counted as a passenger.

(Prior code § 4-4.12)

5.28.130 Routes.

- A. Direct. Any driver employed to transport passengers to a definite point shall take the most direct route which will take the passengers to their destination safely and expeditiously.
- B. Passengers With Different Points of Destination. It is unlawful for any taxicab driver to accept passengers with different points of destination, except from a common point of origin and unless such points of destination shall be in the same general direction from the point of origin.
- C. Passengers With Different Points of Destination—Effect of Points of Discharge. It is unlawful for any driver to permit any other person to occupy or ride in a taxicab, unless the persons first employing the taxicab shall first consent to the acceptance of the additional passengers. When carrying passengers whose points of destination are different, the point of discharge shall become the point of

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origin for the next passenger and that passenger's point of discharge shall become the point of origin for the next passenger and so forth and each fare shall be collected accordingly.

(Prior code § 4-4.13)

5.28.140 Appeals.

Any applicant, owner, driver or permittee shall have the right to appeal to the council from the decision or action or failure to act, of any city agent, officer or employee. Such appeal shall be in writing and shall be filed with the city clerk within thirty (30) days after the act or until the failure to act after a request therefor, from which the appeal is taken. The decision of the council shall be final. Such proceedings shall be informal and need not be reported, nor need any finding of fact or written decision be made or filed.

(Prior code § 4-4.14)

5.28.150 Violation—Penalty.

Any person violating any provision of this chapter shall be punishable as set forth in Chapter 1.24 of this code. In addition, the council may revoke the license or permit issued as provided in this chapter of any person violating any provision of this chapter.

(Prior code § 4-4.15)